

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELANEY G MARKS,

No C-10-2869 VRW (PR)

Plaintiff,

v

ORDER OF DISMISSAL

D L GLAZE, et al,

Defendant(s) .

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On June 29, 2010, plaintiff, a condemned prisoner incarcerated at San Quentin State Prison, filed a letter with the court. Doc #1. The court clerk notified plaintiff in writing at that time that because he neither filed a formal civil rights complaint under 42 USC § 1983 using the court-approved form nor did he pay the requisite \$ 350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in his prison account and a copy of his prison trust account statement for the last six months obtained from the appropriate prison official, the action was deficient. See 28 USC § 1915(a)(2). Plaintiff was advised that

1 failure to file the requested items within thirty (30) days would  
2 result in dismissal of the action. Doc ## 2 & 3.

3 Over forty days have elapsed since plaintiff was notified  
4 of his filing deficiencies; however, he has neither provided the  
5 court with the requisite items nor filed a request for an extension  
6 of time to do so. The action, therefore, is DISMISSED without  
7 prejudice.

8 The clerk is directed to terminate all pending motions as  
9 moot and close the file.

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11 IT IS SO ORDERED.

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14 VAUGHN R WALKER  
15 United States District Chief Judge  
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